IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

MAXIMUS PROPHET,

: Case No. 3:07-cr-25-KRG-KAP :(Case No. 3:17-cv-198-KRG-KAP)

Movant

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Memorandum Order

Movant's pro se motion to vacate under 28 U.S.C.§ 2255, ECF no. 71, was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C.§ 636, and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on January 18, 2018, ECF no. 79, recommending that the motion be denied.

The parties were notified at their last address that pursuant to 28 U.S.C.§ 636(b)(1) they had fourteen days to file written objections to the Report and Recommendation. Movant filed timely objections at ECF no. 81 that are meritless.

After de novo review of the record of this matter, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this $\frac{27th}{day}$ of November, 2018, it is

ORDERED that movant's motion to vacate, ECF no. 71, is denied without a certificate of appealability. The Report and Recommendation at ECF no. 79 is adopted as the opinion of the Court. The Clerk shall mark the civil matter closed.

BY THE COURT:

KIM R. GIBSON,

UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Maximus Prophet Reg. No. 11231-068 F.C.I. Loretto P.O. Box 1000 Loretto, PA 15940